

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tyler Walls	Team: Squad #4	CCRB Case #: 202004841	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/06/2020 5:00 AM, Monday, 07/06/2020 5:00 AM	Location of Incident: 3785 Victory Boulevard; 3633 Victory Boulevard	Precinct: 121	18 Mo. SOL 1/6/2022	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 07/06/2020 1:46 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/06/2020 1:46 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Milman	29381	965341	121 PCT
2. POM Jesus Santana	13422	966328	121 PCT
3. POM Marc Acevedo	12539	964859	121 PCT
4. POM Christophe Perrone	04100	963693	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jesus Santana	Abuse: At 3785 Victory Boulevard in Staten Island, Police Officer Jesus Santana stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Marc Acevedo	Abuse: At 3785 Victory Boulevard, Police Officer Marc Acevedo stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.POM Jesus Santana	Abuse: At 3785 Victory Boulevard in Staten Island, Police Officer Jesus Santana failed to provide § 87(2)(b) with a business card.	
D.POM Marc Acevedo	Abuse: At 3785 Victory Boulevard in Staten Island, Police Officer Marc Acevedo failed to provide § 87(2)(b) with a business card.	
E.POM Jason Milman	Abuse: Police Officer Jason Milman stopped the vehicle in which § 87(2)(b) was an occupant.	
F.POM Christophe Perrone	Abuse: Police Officer Christophe Perrone stopped the vehicle in which § 87(2)(b) was an occupant.	
G.POM Jason Milman	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to arrest § 87(2)(b)	
H.POM Jason Milman	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman questioned § 87(2)(b)	
I.POM Jason Milman	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to arrest § 87(2)(b)	
J.POM Jason Milman	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to remove § 87(2)(b) to the hospital.	
K.POM Christophe Perrone	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Christopher Perrone obstructed his shield number.	

Officer(s)	Allegation	Investigator Recommendation
L.POM Jesus Santana	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana obstructed his shield number.	
M.POM Marc Acevedo	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo obstructed his shield number.	
N.POM Jesus Santana	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana refused to provide his name to § 87(2)(b)	
O.POM Marc Acevedo	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo refused to provide his name to § 87(2)(b)	
P.POM Christophe Perrone	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Christopher Perrone refused to provide his name to § 87(2)(b)	
Q.POM Jesus Santana	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana refused to provide his shield number to § 87(2)(b)	
R.POM Marc Acevedo	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo refused to provide his shield number to § 87(2)(b)	
S.POM Christophe Perrone	Abuse: At 3633 Victory Boulevard in Staten Island, Police Officer Christophe Perrone refused to provide his shield number to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On July 6, 2020, § 87(2)(b) filed the following complaint on the CCRB's call processing system.

On July 6, 2020, at approximately 5:00 a.m., PO Jesus Santana and PO Marc Acevedo, both of the 121st Precinct, stopped the vehicle occupied by § 87(2)(b) and his cousin, § 87(2)(b) by 3785 Victory Boulevard, in Staten Island, and asked for § 87(2)(b)'s license and registration (**Allegations A and B: Abuse of Authority; § 87(2)(g)**). After reviewing the documents, the officers allowed § 87(2)(b) to leave but did not provide him with a business card (**Allegations C and D: Abuse of Authority; § 87(2)(g)**). PO Jason Milman and PO Christopher Perrone, from the 121st Precinct, stopped § 87(2)(b) immediately after at 3633 Victory Boulevard in Staten Island (**Allegations E and F: Abuse of Authority; § 87(2)(g)**). PO Milman threatened to arrest § 87(2)(b) if he did not present his identification (**Allegation G, Abuse of Authority; § 87(2)(g)**). PO Milman asked § 87(2)(b) for his identification (**Allegation H, Abuse of Authority; § 87(2)(g)**). PO Milman attempted to hand § 87(2)(b) summonses and § 87(2)(b) yelled and cursed at him. PO Milman told § 87(2)(b) that if he did not calm down, he would be arrested and would have to go to the hospital (**Allegation I and J: Abuse of Authority; § 87(2)(g)**). PO Santana and PO Acevedo stopped nearby to observe the situation. § 87(2)(b) could not see the shield numbers for PO Perrone, PO Santana, and PO Acevedo because they all wore a band around their shields that obscured the numbers from view (**Allegations K – M, Abuse of Authority; § 87(2)(g)**). § 87(2)(b) asked those three officers for their names and shield numbers, but they did not provide it (**Allegations N – S, Abuse of Authority; § 87(2)(g)**). PO Milman issued § 87(2)(b) six summonses for § 87(2)(b). The officers then left without further incident.

§ 87(4-b), § 87(2)(g)

The investigation could not obtain any video surveillance. BWCs were obtained for § 87(2)(b)'s second vehicle stop.

Findings and Recommendations

Allegation (A) Abuse of Authority: At 3785 Victory Boulevard in Staten Island, Police Officer Jesus Santana stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: At 3785 Victory Boulevard, Police Officer Marc Acevedo stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (C) Abuse of Authority: At 3785 Victory Boulevard in Staten Island, Police Officer Jesus Santana failed to provide § 87(2)(b) with a business card.

Allegation (D) Abuse of Authority: At 3785 Victory Boulevard in Staten Island, Police Officer Marc Acevedo failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that on July 6, 2021, at approximately 5:00 a.m., he left his home at § 87(2)(b), in Staten Island, with his cousin, § 87(2)(b) to pick up § 87(2)(b)'s wallet that he left at someone's house. § 87(2)(b) drove his white § 87(2)(b). § 87(2)(b)'s vehicle windows were tinted. Two police vehicles followed close behind § 87(2)(b) but did not use their sirens or lights. § 87(2)(b) parked his vehicle inside of the parking lot at 3785 Victory Boulevard. One police vehicle parked in front of § 87(2)(b)'s vehicle while the other parked behind. PO Santana and PO Acevedo exited their vehicle in the back while PO Milman and PO Perrone exited their vehicle in front. PO Acevedo approached § 87(2)(b)'s vehicle from the driver's side while PO Santana stood behind him. PO Milman and PO Perrone also

got out of their vehicle and stood approximately 10 feet away in front of § 87(2)(b) PO Acevedo told § 87(2)(b) that he stopped him because of his tinted windows. PO Acevedo requested § 87(2)(b)'s license and registration. § 87(2)(b) provided his documents to the officers. PO Acevedo looked at the documents, gave it back to § 87(2)(b) and then told him "Get out of here." None of the officers provided § 87(2)(b) with a business card (BR 01).

§ 87(2)(b) was not interviewed since the investigation could not find any contact information for him (BR 02 – 05).

PO Acevedo testified that he and PO Santana arrived at the location to back PO Milman and PO Perrone who were already on scene. PO Acevedo could not recall the exchange between the officers and the civilian. As the officers were about to leave, § 87(2)(b) drove down the dead-end. Upon observing the officers, § 87(2)(b) made a U-turn and drove off in a fast manner. PO Acevedo did not believe that § 87(2)(b)'s speed constituted a VTL violation but stated that it appeared faster than normal. PO Acevedo and PO Santana decided to follow § 87(2)(b) to check on his safety and for no other reason. PO Acevedo could not recall if he and PO Santana consulted with PO Milman and PO Perrone before following. § 87(2)(b) eventually stopped on his own inside of a parking lot about a block away from the location. PO Santana and PO Acevedo parked behind § 87(2)(b). Sometime later, PO Milman and PO Perrone parked their vehicle in the parking lot approximately 20 feet away. PO Acevedo could not recall if PO Milman and PO Perrone exited their vehicle. PO Acevedo turned on his vehicle lights to let § 87(2)(b) know that it was not a stranger approaching him from behind. PO Acevedo and PO Santana got out of their vehicle and approached § 87(2)(b)'s vehicle. PO Acevedo believes that he first observed § 87(2)(b)'s tinted windows upon approaching the vehicle. The officers asked § 87(2)(b) if he was fine. § 87(2)(b) replied that he was okay. The exchange between the two of them lasted approximately 30 seconds. PO Acevedo did not believe that they asked § 87(2)(b) for his documentation. PO Acevedo did not believe that § 87(2)(b) interacted with PO Milman or PO Perrone at this time. The officers did not provide § 87(2)(b) with a summons or a business card. PO Acevedo did not provide a business card to § 87(2)(b) as he believed that the situation did not warrant him to actively provide one since § 87(2)(b) stopped on his own (BR 06).

PO Santana testified that he and PO Acevedo responded to the location first after receiving a call about a crime in progress. The female witness stated that she heard a noise outside which prompted her to go out at which point she observed a yogurt or egg-like substance thrown on to her neighbors' vehicle. The witness did not see who threw it but observed that the witness drove away in a vehicle. PO Santana could not remember if the female witness provided a description regarding the perpetrator or the perpetrator's vehicle. PO Milman and PO Perrone arrived later as backing officers. PO Santana could not recall if PO Milman and PO Santana also spoke with the female witness. The officers eventually learned that the owner of the vehicle was in custody due to a previous incident that day. The officers advised the female individual that the owner of the vehicle would need to make the report once he was out of custody. As the officers were about to leave, § 87(2)(b) § 87(2)(b) drove down the dead-end street towards them. When § 87(2)(b) got close enough to see the officers, he proceeded to make a U-turn. § 87(2)(b) drove away at a speed that was "faster than normal." Based on the time and totality of the circumstances, PO Santana and PO Acevedo thought that there could have been a connection between § 87(2)(b) and the vandalism. However, PO Santana did not think that there was enough information to link § 87(2)(b) to the crime. PO Santana and PO Acevedo, already in the process of leaving, decided to follow § 87(2)(b) in their vehicle to see where he went. They did not intend to stop § 87(2)(b) though he did observe that he had tinted windows and a covered license plate. § 87(2)(b) made a right into a parking lot at 3785 Victory Boulevard. The parking lot connected Victory Boulevard to another side street and is surrounded by several commercial stores. § 87(2)(b) stopped his vehicle inside the parking lot. PO

Santana and PO Acevedo stopped behind § 87(2)(b)'s vehicle. PO Santana and PO Acevedo turned on their vehicle lights as § 87(2)(b) was either in the process of slowing down to stop or already stopped. The officers turned on their vehicle lights for visibility and did not intend to make it an official vehicle stop. The officers approached § 87(2)(b) noted that he was driving fast, and asked if he was okay. § 87(2)(b) replied that he was okay. Both officers spoke with § 87(2)(b). The conversation between the officers and § 87(2)(b) lasted less than a minute. PO Santana could not recall if he mentioned any of § 87(2)(b)'s VTL violations to him and did not know if he and § 87(2)(b) ever discussed his tinted windows. PO Santana recalled that towards the end of their conversation, PO Milman and PO Perrone stopped inside of the parking lot behind their vehicle, approximately five feet away. PO Santana could not recall if they got out of their vehicle. PO Santana and PO Acevedo did not provide § 87(2)(b) with a business card because he did not request their names or ask for a card. PO Santana did not consider this a situation where business cards would need to be provided proactively. The officers allowed § 87(2)(b) to leave without taking any action (BR 22).

PO Milman testified that he and PO Perrone responded to the location first regarding a call about a crime in progress. Upon arriving at the location, PO Milman observed that one of the vehicles had been damaged and that a trashcan on the floor was brought over from a different location and dropped. PO Milman spoke with the female complainant outside and learned that the damaged vehicle belonged to someone else. Towards the end of his exchange with the female, he observed § 87(2)(b) drive down the dead-end block on his right-hand side. After seeing the officers, § 87(2)(b) made a U-turn and left the area rapidly. Although he found § 87(2)(b)'s behavior suspicious, he did not connect § 87(2)(b)'s behavior to the damaged vehicle. PO Acevedo and PO Santana got in their vehicle and followed § 87(2)(b). PO Milman spoke with the female complainant for an additional two minutes before he and PO Perrone got in their vehicle and canvassed the area to find PO Acevedo and PO Santana. PO Milman eventually found § 87(2)(b) stopped inside of a parking lot. PO Santana and PO Acevedo were parked behind § 87(2)(b) and had already exited their vehicle and engaged with § 87(2)(b). PO Milman parked his vehicle in front of § 87(2)(b). PO Milman and PO Perrone got out of their vehicle and stood next to it. PO Milman and PO Perrone observed the interaction to make sure the other officers were safe during the vehicle stop. PO Milman and PO Perrone did not get involved in the vehicle stop. He could not hear any portion of the conversation between § 87(2)(b) and the officers. PO Santana and PO Acevedo appeared to let § 87(2)(b) go without providing him with a summons (BR 07).

PO Perrone testified that he and PO Milman were driving around the area when they observed that PO Santana and PO Acevedo had stopped § 87(2)(b). PO Perrone and PO Milman parked their vehicle on the opposite side of the street in case the situation got out of control. He could not recall any portion of the exchange between § 87(2)(b) and the officers as he was too far away. PO Perrone could not see if the officers provided § 87(2)(b) with a business card as it was too dark for him to see. Eventually, PO Acevedo and PO Santana gave the officers a thumbs up indicating that the encounter had gone well (BR 08).

No BWCs for this encounter could be obtained as PO Santana and PO Acevedo did not activate their BWCs.

No person shall drive a motor vehicle with any sign or other nontransparent material other than a certificate or paper required to be displayed by law. NYS VTL 375 12-a (a) (BR 09).

A business card is to be offered for a law enforcement activity, except in cases in which a summons is issued or an arrest is made, especially during stops when an officer has reasonable suspicion that a person stopped has committed, is committing, or is about to commit a crime and where a

reasonable person would not feel free to end the encounter. NYPD Patrol Guide Procedure 203-09 (BR 10).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Jason Milman stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (F) Abuse of Authority: Police Officer Christophe Perrone stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that after PO Acevedo and PO Santana allowed him to go, he drove down Victory Boulevard and headed towards Travis Avenue. § 87(2)(b) observed two police vehicles in his rearview mirror and assumed that they wanted him to stop. § 87(2)(b) stopped by the intersection of Victory Boulevard and Travis Avenue. PO Santana and PO Acevedo stopped on his left-hand side while PO Milman and PO Perrone stopped behind him. PO Milman and PO Perrone exited their vehicle and approached § 87(2)(b). § 87(2)(b) asked why they stopped him. PO Milman said that he would explain once he provided his license and registration. § 87(2)(b) provided his documents to PO Milman without any issue. PO Milman explained to § 87(2)(b) that they stopped him because of his tinted windows.

PO Milman testified that once PO Santana and PO Acevedo allowed § 87(2)(b) to leave, § 87(2)(b) drove away with his tires screeching and his engine making loud noises. This manner of driving is considered VTL violation 11-62, “unsafe start.” PO Milman decided to pull § 87(2)(b) over because of his “unsafe start” and the tints on his windows. PO Milman could tell § 87(2)(b) s windows were tinted without using a tint meter due to his training. PO Milman put on his RMP lights and sirens to get § 87(2)(b) to stop. Upon approaching § 87(2)(b) s vehicle, PO Milman observed that § 87(2)(b) possessed a hanging license plate. PO Milman observed that § 87(2)(b) had a passenger, § 87(2)(b) inside of his vehicle.

PO Perrone also stated that § 87(2)(b) performed an “unsafe start” upon driving away from PO Santana and PO Acevedo. PO Perrone could not recall if there were any other reasons to stop § 87(2)(b) at the time other than his “unsafe start.”

PO Santana and PO Acevedo stated that they did not see § 87(2)(b) drive away once they allowed him to leave. They both stated that as they were driving around the area, they observed § 87(2)(b) already engaged in a stop with PO Milman and PO Perrone.

There is no BWC or video evidence of the circumstances leading up to the stop. PO Milman and PO Perrone's BWC activates right before they approach § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

DAO confirmed that PO Perrone resigned from the NYPD on June 1, 2021 (BR 16).

§ 87(2)(g)

Allegation (G) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to arrest § 87(2)(b)

At the 01:01 mark of PO Milman's video, PO Milman asks § 87(2)(b) for his license and registration. § 87(2)(b) replies that PO Milman already took his license and let him go. PO Milman tells § 87(2)(b) that it was another officer that took his license. § 87(2)(b) says that PO Milman was next to the officers when they let him go. At the 01:30 mark of the video, PO Milman says that they can talk more once he provides his license and registration. § 87(2)(b) does not provide his license and registration. PO Milman repeats the request three more times. During the third request, at the 01:45 mark of the video, PO Milman says, "I will advise you right now that if you do not give me your license and registration on this car stop, I will arrest you for disobeying a lawful order." PO Milman makes five more requests for § 87(2)(b)'s license and registration before he ultimately provides his documents (BR 13).

As previously noted, § 87(2)(b) testified that the officers requested his license and registration and that he provided his documents to PO Milman without any issue.

PO Milman testified that he asked § 87(2)(b) for his license and registration. § 87(2)(b) started screaming cursing at PO Milman and refused to provide his documents as requested. PO Milman asked § 87(2)(b) to provide his documents an additional 5 to 10 times. During that time, PO Milman informed § 87(2)(b) that if he did not provide his documents, he would be arrested for failure to comply with an officer. § 87(2)(b) told § 87(2)(b) to provide his documents to PO Milman. § 87(2)(b) eventually provided his documents to PO Milman.

PO Perrone confirmed that PO Milman asked § 87(2)(b) for his license and registration and that § 87(2)(b) refused to comply. PO Milman informed § 87(2)(b) that he could be arrested for disobeying a lawful order. PO Milman made the request several more times before it was provided to him.

PO Santana and PO Acevedo stated that they parked their vehicle in the area to observe the stop just as PO Milman and PO Perrone had previously done for them. The officers did not leave their

vehicles. Neither officer could hear any portion of the interaction between § 87(2)(b) and PO Milman and PO Perrone.

No person shall operate or drive a motor vehicle upon a public highway without a valid license. NYS VTL §509.01 (BR 11).

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman questioned § 87(2)(b)

§ 87(2)(b) testified that during his initial stop with PO Santana and PO Acevedo, PO Milman asked § 87(2)(b) for his identification. § 87(2)(b) told PO Milman that § 87(2)(b) did not need to provide his identification as the vehicle stop did not concern him and that he was harassing § 87(2)(b). § 87(2)(b) did not provide his identification to any of the officers.

PO Milman's BWC showed that after PO Milman obtained § 87(2)(b)'s documents and explained the reason for the stop to § 87(2)(b), he and PO Perrone went back to their vehicle to write the summonses. At the 28:47 mark of § 87(2)(b)'s video, PO Milman steps out of his vehicle and approaches § 87(2)(b)'s vehicle with his summons in hand. At the 29:12 mark of the video, upon reaching § 87(2)(b)'s vehicle, PO Milman points to § 87(2)(b) and asks, "Do you have a license, sir?" § 87(2)(b) responds that he does not. PO Milman explains to § 87(2)(b) that he should be getting arrested for driving with a suspended license. § 87(2)(b) disputes this claim and says that he provided the officers with the wrong license (BR 13).

PO Milman testified that he asked § 87(2)(b) for his license because if someone gets into a vehicle accident in the State of New York without a license and the other party claims injuries, officers are required to automatically arrest the person without a license. PO Milman wanted to know if the passenger could potentially drive the vehicle away to prevent this situation from happening. PO Milman stated that he did not know of any restrictions on the types of questions that an officer could ask a passenger during a vehicle stop.

PO Perrone could not recall if PO Milman requested any documents from § 87(2)(b). PO Acevedo and PO Santana could not hear the conversation between PO Milman and § 87(2)(b) because they were in their vehicles.

When speaking with the passenger, the officer may not exceed a request for information pursuant to level one of DeBour unless the officer has a founded suspicion of criminal activity which would permit a common law inquiry. People v Williams, 144 A.D.3d 1636 (2016) (BR 12).

PO Milman stated that he asked § 87(2)(b) if he possessed a license because he wanted to know if § 87(2)(b) could drive the vehicle back instead of § 87(2)(b). If § 87(2)(b) got into an accident while driving without a license, he would automatically be arrested. PO Milman wanted to prevent this from happening. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to arrest § 87(2)(b)

Allegation (J) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jason Milman threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) testified that he initially refused to take the summonses from PO Milman and asked him if he could speak with his supervisor. PO Milman refused § 87(2)(b)'s request and told him, "You seem disturbed" and stated, "I don't want to have to take you to the hospital." § 87(2)(b) took the summonses from PO Milman and drove away without further incident.

PO Milman testified that he returned to § 87(2)(b) to hand him his eight summonses, six of which were for § 87(2)(b). § 87(2)(b) began yelling and started jumping up and down in a "weird manner." PO Milman believed that § 87(2)(b)'s yelling went "beyond" normal yelling. PO Milman stated that § 87(2)(b)'s yelling, his movement in the vehicle, and his previous "erratic" behavior while driving led him to believe that § 87(2)(b) could potentially be an emotionally disturbed person (EDP). PO Milman's received training at the Police Academy on how to identify EDP behavior and thought that § 87(2)(b)'s behavior qualified him as a potential EDP. PO Milman told § 87(2)(b) that if he did not calm down, he would call an ambulance to check him. § 87(2)(b) did not say no to the ambulance but never asked for one. The officers did not call an ambulance for § 87(2)(b) because he calmed down. Around the time that PO Milman mentioned having an ambulance check for § 87(2)(b), he also informed § 87(2)(b) that he could be arrested. PO Milman stated that when he said arrest in this instance, he meant restrain. PO Milman learned at the Police Academy that when someone acts "erratically" they could potentially cause a harm to themselves and others. Placing EDPs in handcuffs mitigates their ability to cause harm. PO Milman also stated that he also meant that he might arrest § 87(2)(b) for disorderly conduct if EMS was not required. § 87(2)(b) could have been arrested for disorderly conduct or any of the VTL violations for which he received a summons as all summonses are in lieu of an arrest.

PO Perrone confirmed that PO Milman offered to call EMS to check out § 87(2)(b) because he may have been stressed or had anxiety. PO Perrone stated that EMS could have been called due to § 87(2)(b)'s irate behavior which he defined as his yelling and cursing.

At the 30:50 mark of PO Milman's BWC, after § 87(2)(b) yells that he wants PO Milman's supervisor on scene, PO Milman tells § 87(2)(b) that if he keeps yelling, "You're going to come out and be arrested." PO Milman informs § 87(2)(b) that he could be arrested two more times. At the 31:22 mark of the video, PO Milman states that § 87(2)(b) is going to be arrested for being an emotionally disturbed person. At the 31:25 mark of the video, PO Milman says, "You're going to have to go to the hospital." Though § 87(2)(b) yells and curses at the officers, he does not make any threats or engage in any threatening behavior (BR 13).

No person shall operate or drive a motor vehicle upon a public highway without a valid license. NYS VTL §509.01 (BR 11).

A person is considered an EDP, and therefore must be taken into protective custody, when they appear to be mentally ill or temporarily deranged and are conducting themselves in a manner in which a police officer believes it is likely to result in serious injury to himself and others. NYPD Patrol Guide Procedure 221-13 (BR 14).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (K) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Christopher Perrone obstructed his shield number.

Allegation (L) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana obstructed his shield number.

Allegation (M) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo obstructed his shield number.

Allegation (N) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana refused to provide his name to § 87(2)(b)

Allegation (O) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo refused to provide his name to § 87(2)(b)

Allegation (P) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Christopher Perrone refused to provide his name to § 87(2)(b)

Allegation (Q) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Jesus Santana refused to provide his shield number to § 87(2)(b)

Allegation (R) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Marc Acevedo refused to provide his shield number to § 87(2)(b)

Allegation (S) Abuse of Authority: At 3633 Victory Boulevard in Staten Island, Police Officer Christophe Perrone refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that after asking to speak with a supervisor, he asked PO Perrone for his name and shield number along with the names and shield numbers of PO Santana and PO Acevedo. § 87(2)(b)

§ 87(2)(b) could not see the shields of PO Perrone, PO Acevedo, and PO Santana as they were covered by a band. PO Perrone replied that they did not have to provide § 87(2)(b) with this information. None of the officers provided the requested information to § 87(2)(b) § 87(2)(b) eventually took the summonses. All the officers eventually left shortly after.

PO Milman testified that when he returned to § 87(2)(b) and handed him the summonses, § 87(2)(b) started yelling and cursing at him again. § 87(2)(b) asked the officers for all their names and shield numbers. PO Milman and PO Perrone verbally provided their names and shield numbers to § 87(2)(b) PO Santana and PO Acevedo did not provide their information because they did not get involved in the incident and were inside of their vehicles.

PO Perrone testified that § 87(2)(b) did not request the names and shield numbers of any of the officers on scene and that nobody on scene hid their shields.

PO Acevedo confirmed that he and all the other officers wore a shield on their uniform on that day. He stated that he wore a mourning band around his shield but did not cover the shield number with it at any point. PO Acevedo could not recall if any other officers wore anything around their shields. PO Acevedo did not hear § 87(2)(b) request his name or shield number at any point.

PO Santana corroborated PO Acevedo's claim that all the officers on scene wore shields. PO Santana could not recall if he or any of the officers wore anything around their shields but stated that he did not have anything covering it. PO Santana did not hear § 87(2)(b) request his name or shield number at any point during the incident.

At the 31:45 mark of PO Milman's BWC, § 87(2)(b) tells PO Milman that he knows the name of him and PO Perrone but does not know the name of either PO Acevedo or PO Santana. PO Milman proceeds to explain why he pulled over § 87(2)(b). At the 33:40 mark of the video, § 87(2)(b) asks PO Milman for the names of the initial two officers that pulled him over. PO Milman replies that their names do not matter as he was the one pulling him over right now. Neither PO Acevedo or PO Santana are shown in either PO Milman or PO Perrone's BWC. They do not appear to be anywhere within the vicinity of § 87(2)(b) when the request was made. None of the BWCs captured the shields of any of the officers on scene (BR 13 and 15).

DAO confirmed that PO Perrone resigned from the NYPD on June 1, 2021 (BR 16).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Santana has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Milman has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Acevedo has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Perrone was a member-of-service and has been a subject officer in one CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in NYC (BR 19).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in NYC (BR 20).
- As of December 22, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 21).

Squad No.: 4

Investigator: Tyler Walls Inv. Tyler Walls 2/28/2022
Signature Print Title & Name Date

Squad Leader: Raquel Velasquez IM Raquel Velasquez 10/25/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date